IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

I.T.R. No.63 of 1989
Date of decision: 14.09.2006

The Commissioner of Income Tax, Patiala.

-----Applicant

Vs.

Amarjit Inderjit Chopra, Ludhiana.

-----Respondent

CORAM:- HON'BLE MR JUSTICE ADARSH KUMAR GOEL

HON'BLE MR JUSTICE RAJESH BINDAL

Present: Dr. N.L. Sharda, Advocate
for the revenue.

ORDER:

At the instance of the Revenue, Income Tax Appellate Tribunal, Chandigarh Bench, Chandigarh (for short, "the Tribunal") has referred the following question of law arising out of its order dated 31.12.1987 in R.A. No.87 of 1988 relating to the assessment year 1981-82 for the opinion of this Court:-

> "Whether on the facts and in the circumstances of the case, the Appellate Tribunal was right in law in holding that the capital gains arising from the sale of land actually put to agricultural use wherever located, are not liable to tax?"

The issue raised in this question stands settled by the Hon'ble Supreme Court in favour of the revenue in ***Singhai Rakesh Kumar v. Union of India and others,*** (2001) 247 ITR 150. Respectfully following the same, we answer the question in the affirmative i.e. in favour of the revenue and against the assessee.

(ADARSH KUMAR GOEL)
JUDGE

September 14, 2006
ashwani

(RAJESH BINDAL)
JUDGE